

4696. Adulteration and misbranding of essence cognac brandy. U. S. * * *
 v. Henry Leerburger et al. (Leerburger Bros.). Plea of guilty. Fine,
 \$15. (F. & D. No. 7122. I. S. No. 17806-k.)

On May 13, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry Leerburger and Benedict H. Leerburger, copartners, trading as Leerburger Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on August 3, 1914, from the State of New York into the State of Utah, of a quantity of essence cognac brandy, which was adulterated and misbranded. The article was labeled: "1 Gall. Ess. Cognac Brandy. Leerburger Brothers. Essential Oils, Fine Drugs Lb Perfumers Supplies New York."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)-----	83.75
Nonvolatile matter at 100° C. (grams per 100 cc)-----	3.54
Nonsugar, nonvolatile matter (consists of a viscid oil)	
(grams per 100 cc)-----	1.65
Reducing sugar (grams per 100 cc)-----	1.16
Sucrose, by copper (grams per 100 cc)-----	0.73
Volatile acidity (cc N/10 acid per 100 cc)-----	15.70
Oil (per cent)-----	3.60
Esters, as ethyl acetate (grams per 100 cc)-----	2.26

The product was a sweetened alcoholic solution of oils or esters of volatile and nonvolatile acids. The esters appear to be ethyl esters of various organic acids used to imitate the flavor of cognac brandy.

Adulteration of the article was alleged in the information for the reason that an imitation cognac brandy essence prepared from synthetic ethers had been substituted wholly or in part for essence cognac brandy, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Ess. Cognac Brandy," borne on the label attached to the bottle, regarding the article and the ingredients and substances contained therein, was false and misleading in that it indicated that the article was a product derived exclusively from cognac brandy, and for the further reason that it was labeled "Ess. Cognac Brandy," so as to deceive and mislead the purchaser into the belief that it was a product derived exclusively from cognac brandy, whereas, in truth and in fact, it was not, but was an imitation product prepared from synthetic ethers. Misbranding was alleged for the further reason that the article was an imitation product prepared from synthetic ethers, and was offered for sale and sold under the distinctive name of another article, to wit, "Ess. Cognac Brandy."

On May 17, 1916, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of \$15.

CARL VROOMAN, *Acting Secretary of Agriculture.*